



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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IV-D MEMORANDUM 2015-024

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 29, 2015

SUBJECT: Updates to Federal Expiration Date and Service of Process
(SOP) Policy

RESPONSE DUE: None

POLICY EFFECTIVE DATE: October 1, 2014 (start of fiscal year 2014-2015)

PURPOSE:

This IV-D Memorandum announces policy updates and clarifications related to the *Federal Expiration Date* and service of process (SOP) as well as future enhancements to the Michigan Child Support Enforcement System (MiCSES).¹ It introduces revisions in the following sections of the *Michigan IV-D Child Support Manual*:

- Section 2.15, "Cooperation/Noncooperation/Good Cause"; and
- Section 2.20, "Court Action Referrals (CARs)."

In addition, this memorandum introduces a new section of the manual, Section 4.15, "Service of Process (SOP)."

Section 2.15 has been updated to clarify the information that a custodial party (CP) is required to provide to the IV-D program in order to meet public assistance cooperation requirements. Additionally, Section 2.15 has been revised to include updates to case closure information and to clarify IV-D worker responsibilities when a CP requests a good cause exemption.

¹ System documentation explaining the enhancements to MiCSES with the 8.13 release will not be available to IV-D staff until early November.

UPDATE(S):

☒ Manual

☐ Form(s)

In Section 2.20, information regarding SOP has been removed and placed in Section 4.15. Section 2.20 has also been updated to include information from the [CAR Processing Job Aid](#).

In addition to incorporating SOP content from Section 2.20, policy in Section 4.15 has been updated to explain case situations that will trigger a recalculation of the *Federal Expiration Date*.

Updated information regarding the *Federal Expiration Date* and SOP is effective for the 2014-2015 fiscal year Self-Assessment (SASS) audit period and beyond. IV-D staff conducting the audit will manually implement the policy, including the recalculation of the *Federal Expiration Date*, until MiCSES functionality can be implemented in future releases, beginning with the 8.13 release in November 2015.

Note: The policy updates and upcoming MiCSES enhancements are intended to make positive impacts to the SASS audit. However, these changes only address some of the SASS audit findings. IV-D staff should refer to [Michigan IV-D Memorandum 2015-021, Self-Assessment \(SASS\) Audit – Establishment of Paternity and Support Order \(Establishment\) Program Compliance Criterion Corrective Action Plan \(CAP\)](#) for more information regarding the SASS audit and additional actions that should be taken to improve performance.

Within Sections 2.15, 2.20 and 4.15, a change bar in the right margin indicates significant changes since the previous publication of the policy. Reorganized content or content that has not been substantively updated with new information or policy is not identified with a change bar.

Finally, the table of contents for the *Michigan IV-D Child Support Manual* has been updated. Asterisks have been added to the end of section title 4.15, “Service of Process (SOP),” to indicate the availability of this new manual section.

DISCUSSION:

A. Updates to Section 2.15, “Cooperation/Noncooperation/Good Cause”

Previously, Section 2.15 stated that “there is no minimum information requirement” for cooperation with the IV-D program. This caused confusion among CPs and Administrative Law Judges about what was required for a CP to be found cooperative. As a result, OCS has removed that sentence from Section 2.15 and added a list of minimum information requirements. Additionally, OCS has added a note explaining that the list is not exhaustive, and more information may be needed on a case-by-case basis. Section 2.15 has also been updated to clarify that a CP is not considered noncooperative when the next action for the IV-D case can be made without the CP’s assistance.

Section 2.15 explains what IV-D workers must do when a CP makes a good cause claim. Previously, the policy directed IV-D workers to search for and resolve any member exceptions, then update MiCSES to indicate the pending good cause claim. After reviewing the policy, OCS determined that it is unnecessary for PA workers to search for and resolve member exceptions in these cases. Resolution of member exceptions should occur in the support specialist or FOC functional area. Section 2.15 has been updated to state that support specialists and FOC staff should continue to review and resolve member exceptions for cases where the CP has claimed good cause. PA workers must update MiCSES to indicate the pending good cause claim, but they do not need to resolve member exceptions.

The updated cooperation requirements and IV-D staff actions for good cause claims discussed in Section 2.15 will ensure more efficient and timely case initiation activities.

B. Updates to Section 2.20, “Court Action Referrals (CARs)”

In addition to the removal of SOP information, Section 2.20 has been updated to incorporate information about new CAR reports as well as the following case scenarios from the CAR Processing Job Aid:

- The child is not in the same home as (s)he was when the referral was made;
- The CP is not receiving public assistance and reconciles with the non-custodial parent (NCP);
- The CP is receiving public assistance and reconciles with the NCP;
- The CP has claimed good cause; and
- The NCP is incarcerated.

These case scenarios will assist IV-D staff in processing CARs and initiating cases more efficiently and in a timely manner.

C. Updates to Section 4.15, “Service of Process (SOP)”

Federal regulations² require that within 90 calendar days of locating the alleged father or NCP, the IV-D program must:

- Establish an order for support; or
- Complete SOP³ necessary to start the proceedings to establish a support order and, if necessary, paternity.

If an order cannot be established, or SOP cannot be completed, the IV-D program must document the unsuccessful attempts to serve process in accordance with the state’s guidelines defining diligent efforts.

² Ref: 45 Code of Federal Regulations (CFR) 303.4(d).

³ Service of process (SOP) is the formal delivery of a writ, summons, or other legal process.

IV-D staff monitor the federal timeframe for SOP using the *Federal Expiration Date* field on the *Service of Process (LSOP)*⁴ screen in MiCSES. The *Federal Expiration Date* displays the date by which federal regulations require due diligence for the federal SOP timeframe to be satisfied. MiCSES initially calculates this date as the most recent date of the following:

- The locate date of the NCP;
- The IV-D case open date;
- The date the last child was added to the IV-D case; or
- The date the NCP was added to the IV-D case.

Following the results of the 2013-2014 SASS audit, OCS and PA staff reviewed examples of cases that did not meet the federal 90-day SOP timeframe. The case examples showed that there are several situations that may prevent IV-D workers from exercising due diligence and therefore require a recalculation of the *Federal Expiration Date*. These situations are included in Section 4.15 and are briefly discussed below.

1. Cases That Are Closed, Then Later Reopened

When a IV-D case closes, there is no longer any IV-D work to be done on the case. Generally, a IV-D case is reopened when an action such as a public assistance referral or a new application for IV-D services triggers the case to reopen. These actions are equivalent to the creation of a new case, and therefore require a new SOP timeframe. The *Federal Expiration Date* should be recalculated when a closed IV-D case is later reopened. If the NCP is located, the *Federal Expiration Date* will be recalculated as the IV-D case reopen date plus 90 days. If the NCP is not located, the *Federal Expiration Date* will be recalculated when the NCP is located, and that date will be the locate date plus 90 days.

This functionality will be implemented in MiCSES with the 8.13 release in November 2015. Until that time, IV-D staff will manually recalculate the *Federal Expiration Date* in this situation and record their findings on the *Notes Processor (NOTE)* screen in MiCSES.⁵

2. New Child Added to the Case

The addition of a new child to a case changes the structure of the IV-D case. This situation is similar to starting a new case that is made up of the entire family, instead of just a portion of the family.

⁴ The *Federal Expiration Date* field will be displayed on several additional screens in a future MiCSES release.

⁵ The *Federal Expiration Date* in MiCSES cannot be manually changed; therefore, it will be incorrect.

When a new child is added to an existing case, the *Federal Expiration Date* should be recalculated to allow a new SOP timeframe for completing the required federal actions on the case. If the NCP is located, the *Federal Expiration Date* will be recalculated as the date the new child was added to the IV-D case in MiCSES, plus 90 days. If the NCP is not located, the *Federal Expiration Date* will be recalculated when the NCP is located, and that date will be the locate date plus 90 days.

Note: If the *Federal Expiration Date* for the first child on the case expires before the new child is added to MiCSES, for SASS audit purposes, the case will fail the audit.

This functionality will be implemented in MiCSES with the 8.13 release in November 2015. Until that time, IV-D staff will manually recalculate the *Federal Expiration Date* in this situation and record their findings on the NOTE screen.⁶

3. Cases That Go Into Noncooperation

When a CP does not cooperate with the IV-D program in order to establish a child support order, and the IV-D worker does not have enough information to proceed with the case,⁷ the IV-D worker should place the CP in noncooperation. IV-D workers are unable to complete the SOP requirements for cases that are in a noncooperation status, and therefore, the federal SOP timeframes will be paused. When the noncooperation status is removed, the *Federal Expiration Date* will be recalculated. The *Federal Expiration Date* will be recalculated as the date that IV-D staff removed the noncooperation status, plus 90 days.

This functionality will be implemented in MiCSES at a future date.⁸ For the time being, IV-D staff will manually recalculate *Federal Expiration Dates* in this situation and record their findings on the NOTE screen.⁹

4. Good Cause

Federal law and regulations require the IV-D program to stop all child support activities (establishment of paternity and/or support, and enforcement of support) for a pending good cause claim and a good cause determination to “end child support action.”¹⁰ When a CP requests an exemption to the child support cooperation requirement for a good cause reason, IV-D workers must place the

⁶ The *Federal Expiration Date* in MiCSES cannot be manually changed; therefore, it will be incorrect.

⁷ If the support specialist has enough information to generate and send a CAR, the CP must not be placed in noncooperation. If the PA has received a CAR and has enough information to proceed with an agency complaint, the CP should not be placed in noncooperation.

⁸ OCS anticipates that this functionality will be implemented in 2016. IV-D workers will be notified of this enhancement when it becomes available.

⁹ The *Federal Expiration Date* in MiCSES cannot be manually changed; therefore, it will be incorrect.

¹⁰ 42 United States Code (USC) 654(29), 45 CFR 302.31(b) and (c), 42 USC 608(a)(2), 42 USC 608(a)(10)(B), and 42 CFR 433.147–433.148

case into a “good cause pending” status. The federal SOP timeframe will be paused until a good cause determination is made. When a determination of “good cause denied” or “good cause granted, continue action” is made, the *Federal Expiration Date* will be recalculated as the date the good cause determination was entered into MiCSES, plus 90 days.

When there is a determination of “good cause granted, end action,” the federal SOP timeframe will be stopped, and the *Federal Expiration Date* will not be recalculated. In this situation, MiCSES will close the IV-D case, and therefore, a new *Federal Expiration Date* will not be necessary.

This functionality will be implemented in MiCSES at a future date.¹¹ For the time being, IV-D staff will manually monitor federal SOP timeframes and recalculate the *Federal Expiration Date* in good cause situations as needed.

D. Other MiCSES Updates¹²

A Joint Application Design (JAD) group discussed the policy changes outlined above and was asked to determine MiCSES enhancements that would support the policy updates. During these meetings, the JAD group also determined that there were some enhancements that could improve usability with the SOP process. With the MiCSES 8.13 Release on November 13, 2015, the following enhancements will be implemented:

1. The *Service of Process Attempts* grid on the LSOP screen will become read-only. Users must click the *Update Attempts* button to activate the *Update SOP Attempts* pop-up window. IV-D staff must enter SOP attempts and successful SOP in this window.
2. To provide more accurate federal SOP tracking information:
 - a. Once successful SOP has been documented in MiCSES, users will be unable make further updates to the LSOP screen for the defendant. Also, MiCSES will not update the *Federal Expiration Date*, regardless of the case conditions; and
 - b. Once three unsuccessful SOP attempts have been documented in MiCSES, MiCSES will not update the *Federal Expiration Date*, regardless of the case conditions.

¹¹ OCS anticipates that this functionality will be implemented in 2016. IV-D workers will be notified of this enhancement when it becomes available.

¹² Information regarding MiCSES enhancements will be published in Technical Communications documentation before the 8.13 release.

3. SOP attempts that IV-D staff enter after the *Federal Expiration Date* has expired or has been paused will be applied for due diligence purposes if the actual attempts occurred when the previous *Federal Expiration Date* period was active;
4. IV-D workers will not be able to manually change the *Federal Expiration Date*;
5. To eliminate confusion, the *CAR Compliance Date* field on the *Legal Case* (LCSE) screen will no longer be displayed. IV-D workers must use the *Federal Expiration Date* field to track the federal SOP timeframe;
6. A *Federal Expiration Date History Pop-up* window on the LSOP screen will display each *Federal Expiration Date* that has been populated on a case, and the case condition that triggered the population or recalculation of the date;
7. A *Date Tracking History* pop-up window on the LSOP screen will display each SOP attempt that was made during each *Federal Expiration Date* period; and
8. After a user checks the *Extension?* checkbox and clicks the *Update* button on the LSOP screen, a warning message will appear. The warning will state: "Section 4.15 of the *Michigan IV-D Child Support Manual* requires a qualifying summons extension order to use the *Extension?* checkbox. Enter details for the extension. Continue?" When a user clicks the *Continue* button, a *NOTE* pop-up window will appear. Users must enter a note in the window, and MiCSES will copy the note to the *NOTE* screen.

E. Conversion of Records

With the MiCSES 8.13 Release, MiCSES will populate a *Federal Expiration Date History* pop-up window for every active CAR in MiCSES at that time. In this pop-up window, for any CARs with SOP attempts that predate the case's *Federal Expiration Date*:

- The *Updated by Action* column will display "Pre SOP history";
- The *Federal Expiration Date* column will display "N/A"; and
- The *Event Date* column will display the date of the MiCSES 8.13 Release (November 13, 2015).

Unsuccessful SOP attempts from a *Federal Expiration Date* period that is older than the current period will not be applied toward due diligence. However, prior successful SOP will be considered as meeting the federal requirements.

F. Future Planned MiCSES Enhancement

In a future MiCSES release, the population of the *Federal Expiration Date* field will no longer depend on the generation of a CAR. Federal regulations require that the federal timelines begin with the location of the NCP, which occurs prior to the

generation of the CAR.¹³ Therefore, the *Federal Expiration Date* field will populate on several MiCSES screens when a *Federal Expiration Date* trigger is present. This will allow all IV-D workers to monitor the federal SOP timeframe when the timeframe becomes applicable to the case. IV-D workers will be notified of this enhancement when it becomes available.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. Read the updated policy information in Sections 2.15, 2.20, and 4.15 of the *Michigan IV-D Child Support Manual*. OCS's Program Development Division encourages IV-D workers to carefully study the areas with a change bar in the right margin. For those maintaining a hard copy of the manual, print Sections 2.15, 2.20, and 4.15, and add them to the manual. Discard the previous versions of Section 2.15 (August 29, 2014) and Section 2.20 (September 29, 2014).

REVIEW PARTICIPANTS:

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None

SUPPORTING REFERENCES:

Federal
42 USC 608(a)(2)
42 USC 608(a)(10)(B)
42 USC 654(29)
42 CFR 433.147 – 433.148
45 CFR 302.31(b) and (c)
45 CFR 303.3
45 CFR 303.4(d)

¹³ Federal regulations do not recognize Michigan-specific activities, such as court action referrals. Consequently, the expiration date is not triggered or contingent on CAR generation.

ATTACHMENTS:

Section 2.15: Cooperation/Noncooperation/Good Cause

Section 2.20: Court Action Referrals (CARs)

Section 4.15: Service of Process (SOP)

Michigan IV-D Child Support Manual – Introduction and Table of Contents

EPF/AER